

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:19-cv-00412-JEB**

WATERLEGACY v. U.S. ENVIRONMENTAL PROTECTION AGENCY Date Filed: 02/19/2019  
Assigned to: Judge James E. Boasberg Jury Demand: None  
Cause: 05:552 Freedom of Information Act Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****WATERLEGACY**

represented by **Paula Naomi Dinerstein**  
PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY  
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Silver Spring, MD 20910  
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ATTORNEY TO BE NOTICED

V.

**Defendant****U.S. ENVIRONMENTAL PROTECTION AGENCY**

represented by **Matthew Evan Kahn**  
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
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LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

| Date Filed | #        | Docket Text                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/19/2019 | <u>1</u> | COMPLAINT against U.S. ENVIRONMENTAL PROTECTION AGENCY ( Filing fee \$ 400 receipt number 0090-5952811) filed by WaterLegacy. (Attachments: # <u>1</u> Declaration Rule 7.1 Disclosure, # <u>2</u> Civil Cover Sheet cover sheet, # <u>3</u> Exhibit Ex A Minn-EPA emails, # <u>4</u> Exhibit Ex B MPCA notes, # <u>5</u> Exhibit Ex C FOIA-related emails, # <u>6</u> Summons Atty General Summons, # <u>7</u> Summons Agency Summons, # <u>8</u> Summons USAO DC Summons)(Dinerstein, Paula) (Attachment 2 replaced on 2/19/2019) (zef, ). Modified on 2/19/2019 (zef, ). (Entered: 02/19/2019) |
| 02/19/2019 | <u>2</u> | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests. (zef, ) (Entered: 02/19/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 02/19/2019 |          | Case Assigned to Judge James E. Boasberg. (zef, ) (Entered: 02/19/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 02/19/2019 | <u>3</u> | SUMMONS (3) Issued Electronically as to U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef, ) (Entered: 02/19/2019)                                                                                                                                                                                                                                                                                                                                                                                                  |
| 03/22/2019 | <u>4</u> | NOTICE of Appearance by Matthew Evan Kahn on behalf of All Defendants (Kahn, Matthew) (Entered: 03/22/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 03/22/2019 | <u>5</u> | Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by U.S. ENVIRONMENTAL PROTECTION AGENCY (Kahn, Matthew) (Entered: 03/22/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| 03/25/2019 |           | MINUTE ORDER GRANTING Consent <u>5</u> Motion for Extension of Time. The Court ORDERS that Defendant shall respond to the Complaint by April 3, 2019. So ORDERED by Judge James E. Boasberg on 3/25/2019. (lcjeb1) (Entered: 03/25/2019)                                                                                                                                                                                                                                                                                                                                                                              |
| 03/25/2019 |           | Set/Reset Deadlines: Answer due by 4/3/2019 (lsj) (Entered: 03/25/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 04/03/2019 | <u>6</u>  | ANSWER to Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY.(Kahn, Matthew) (Entered: 04/03/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 04/04/2019 |           | MINUTE ORDER: The Court ORDERS that the parties shall confer and submit a joint proposed briefing schedule by April 18, 2019. So ORDERED by Judge James E. Boasberg on 4/4/2019. (lcjeb3) (Entered: 04/04/2019)                                                                                                                                                                                                                                                                                                                                                                                                       |
| 04/04/2019 |           | Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 4/18/2019. (znbn) (Entered: 04/04/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 04/18/2019 | <u>7</u>  | Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Kahn, Matthew) (Entered: 04/18/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 04/18/2019 |           | MINUTE ORDER: The Court ADOPTS the parties' <u>7</u> Joint Status Report and ORDERS that the following schedule shall govern subsequent proceedings: 1) Defendant shall file its Motion for Summary Judgment on or before June 3, 2019; 2) Plaintiff shall file its Opposition and/or Cross–Motion for Summary Judgment on or before June 24, 2019; 3) Defendant shall file its Reply and/or Opposition to Plaintiff's Cross–Motion on or before July 15, 2019; and 4) Plaintiff shall file its Reply on or before August 5, 2019. So ORDERED by Judge James E. Boasberg on 4/18/2019. (lcjeb3) (Entered: 04/18/2019) |
| 04/19/2019 |           | Set/Reset Deadlines: Summary Judgment motions due by 6/3/2019. Response to Motion for Summary Judgment due by 6/24/2019. Cross Motions due by 6/24/2019. Reply to Motion for Summary Judgment due by 7/15/2019. Response to Cross Motions due by 7/15/2019. Reply to Cross Motions due by 8/5/2019. (znbn) (Entered: 04/19/2019)                                                                                                                                                                                                                                                                                      |
| 05/30/2019 | <u>8</u>  | Consent MOTION for Extension of Time to File by U.S. ENVIRONMENTAL PROTECTION AGENCY (Kahn, Matthew) (Entered: 05/30/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 05/31/2019 |           | MINUTE ORDER: The Court ORDERS that Defendant's Consent <u>8</u> Motion for Extension of Time to File is GRANTED and that: 1) Defendant shall file its Motion for Summary Judgment on or before June 10, 2019; 2) Plaintiff shall file its Opposition and/or Cross–Motion for Summary Judgment on or before July 1, 2019; 3) Defendant shall file its Reply and/or Opposition to Plaintiff's Cross–Motion on or before July 22, 2019; and 4) Plaintiff shall file its Reply on or before August 12, 2019. So ORDERED by Judge James E. Boasberg on 5/31/2019. (lcjeb3) (Entered: 05/31/2019)                          |
| 05/31/2019 |           | Set/Reset Deadlines: Summary Judgment motions due by 6/10/2019. Response to Motion for Summary Judgment due by 7/1/2019. Cross Motions due by 7/1/2019. Reply to Motion for Summary Judgment due by 7/22/2019. Response to Cross Motions due by 7/22/2019. Reply to Cross Motions due by 8/12/2019. (znbn) (Entered: 06/03/2019)                                                                                                                                                                                                                                                                                      |
| 06/10/2019 | <u>9</u>  | Consent MOTION for Extension of Time to File <i>Motion For Summary Judgment</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Kahn, Matthew) (Entered: 06/10/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 06/11/2019 |           | MINUTE ORDER: The Court ORDERS that Defendant's Consent <u>9</u> Motion for Extension of Time to File is GRANTED and that it shall file its Motion for Summary Judgment on or before June 12, 2019. So ORDERED by Judge James E. Boasberg on 6/11/2019. (lcjeb3) (Entered: 06/11/2019)                                                                                                                                                                                                                                                                                                                                |
| 06/11/2019 |           | Set/Reset Deadlines: Summary Judgment motions due by 6/12/2019. (znbn) (Entered: 06/11/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 06/12/2019 | <u>10</u> | Joint MOTION to Stay <i>and Vacate Summary Judgment Briefing Schedule</i> by WATERLEGACY (Dinerstein, Paula). Added MOTION to Vacate on 6/14/2019 (znmw). (Entered: 06/12/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 06/13/2019 |           | MINUTE ORDER: The Court ORDERS that: 1) The parties' <u>10</u> Joint Motion to Stay is GRANTED; 2) The summary–judgment–briefing deadlines are VACATED; and 3)                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|            |           | The parties shall file a joint status report on or before June 27, 2019. So ORDERED by Judge James E. Boasberg on 6/13/2019. (lcjeb3) (Entered: 06/13/2019)                                                                                          |
| 06/13/2019 |           | Set/Reset Deadlines: Joint Status Report due by 6/27/2019. (znbn) (Entered: 06/14/2019)                                                                                                                                                              |
| 06/26/2019 | <u>11</u> | Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Kahn, Matthew) (Entered: 06/26/2019)                                                                                                                                                   |
| 06/26/2019 |           | MINUTE ORDER: The Court ADOPTS the parties' <u>11</u> Joint Status Report and ORDERS that they shall file another joint status report on or before July 29, 2019. So ORDERED by Judge James E. Boasberg on 6/26/2019. (lcjeb3) (Entered: 06/26/2019) |
| 06/26/2019 |           | Set/Reset Deadlines: Joint Status Report due by 7/29/2019 (lsj) (Entered: 06/26/2019)                                                                                                                                                                |
| 07/29/2019 | <u>12</u> | Joint MOTION to Stay by U.S. ENVIRONMENTAL PROTECTION AGENCY (Kahn, Matthew) (Entered: 07/29/2019)                                                                                                                                                   |